

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

JUL 26 2016

David J. Bradley, Clerk

UNITED STATES OF AMERICA
v.

CRIMINAL COMPLAINT

Rufina MACEDO-Benitez

YOB: 1970

Principal

the United Mexican States

Case Number:

M-16-1420-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 25, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,

(Track Statutory Language of Offense)
 knowing or in reckless disregard of the fact that Jose Alvino Gonzalez-Ramirez and Angel Sanchez-Hernandez, both citizens and nationals of the United Mexican States, along with two (2) other undocumented aliens, for a total of four (4), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) **FELONY**
 I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 22, 2016, Border Patrol Agents (BPA), assigned to the Rio Grande Valley Field Intelligence Team(FIT), received information from Kingsville BPA's regarding a possible stash house located at 2200 Dedi Dr. in Donna, Texas. Additionally, the information provided that the house was used exclusively to house undocumented aliens (UDAs) and that there were two caretakers who would randomly arrive and provide food. One of the caretakers was a female that drives a light colored minivan and a male caretaker whom drives a light colored Volkswagen Jetta.

On July 25, 2016, Border Patrol Agents began surveillance on the residence. Around 10:30 AM, a silver Dodge Voyager arrived at the house.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

 Yes No

Approved by David A. Lindenmuth
David A. Lindenmuth 7/26/16

Sworn to before me and subscribed in my presence,

July 26, 2016

Date

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officerat McAllen, Texas

City and State

Peter E. Ormsby
 Signature of Judicial Officer

Signature of Complainant

Joel Ruiz Senior Patrol Agent

Printed Name of Complainant

City and State

Peter E. Ormsby
 Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1420-M

RE: Rufina MACEDO-Benitez

CONTINUATION:

A female with very short hair exited the driver side door and walked towards the front gate, while the female subject was opening the gate, a male subject exited the passenger side of the van and walked to the female and waited for her to open the gate. Once the female opened the gate, the male subject went inside the property, locked the gate behind him, walked towards the front door of the house, opened the door, and went inside. The female subject then got into the van and drove away.

At approximately 11:45 AM, the same female driving the silver van arrived at the house with a different male passenger. Agents observed her exit the driver side and walk towards the front gate. As she was opening the gate the male passenger exited the vehicle with a five gallon container of water. The female subject closed the gate once the male passenger was inside the property and she drove away.

At approximately 1:15 PM, the same female subject driving the silver van arrived at the house. She exited the vehicle and walked towards the house, several minutes later agents observed the same female subject leave the property and drove away.

At that time, Agents contacted Hidalgo County Constables Office Pct. 4 for assistance. Deputy Constables conducted a traffic stop on the female driving the silver van for speeding and they issued a warning for driving over the speed limit. Agents approached the driver, identified as Rufina MACEDO-Benitez, they identified themselves and asked Maceo about her current immigration status. Maceo admitted to being illegally present in the United States.

At that time Rufina MACEDO-Benitez was read her Miranda Rights and acknowledged she understood her rights. She answered questions without the presence of an attorney. MACEDO was questioned about the house. She stated she rents the house and admitted to harboring four undocumented aliens there. MACEDO granted Agents verbal and written consent to search the house.

Agents watching the house advised that they observed four subjects jumping a fence behind the property. As agents made entry onto the property, the four subjects were encountered hiding in a small brushy area just on the south side of the fence line from the property. All four subjects were determined to be undocumented aliens illegally in the United States. They were arrested and read their Miranda Rights. All subjects claimed to have been staying inside the house just prior to them jumping the fence. A search of the home resulted in negative findings for any other UDAs.

All subjects were then transported to the Weslaco Border Patrol Station for interviews and processing.

**UNITED STATES DISTRICT COURT
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RE: Rufina MACEDO-Benitez

CONTINUATION:

PRINCIPAL STATEMENT

Rufina MACEDO-Benitez, a citizen and national of the United Mexican States was read her Miranda Rights. MACEDO stated she understood her rights and provided a sworn statement without the presence of an attorney.

MACEDO stated she crossed about two years ago near Hidalgo, Texas. MACEDO stated that today she transported two male illegal immigrants to the house. MACEDO stated that an unknown person would pay the rent of the stash house and would also pay her \$20 per illegal immigrant. MACEDO also stated that she has been harboring undocumented aliens for about a month and would bring two to three illegal immigrants every other day. MACEDO stated she had about 16 illegal immigrants yesterday, but that an unknown person or persons would take them out of the stash house. MACEDO claims that her only job was to transport and harbor UDAs and that in total she has transported approximately 30 illegal immigrants.

MATERIAL WITNESS

Jose Alvino Gonzalez-Ramirez, a citizen and national of the United Mexican States was read his Miranda Rights. GONZALEZ acknowledged he understood his rights and provided a sworn statement without the presence of an attorney.

GONZALEZ stated he crossed illegally on July 22, 2016. He was going to pay \$6,000 USD to be smuggled into the United States. Subject stated that he walked through the brush for about an hour until he arrived at a house with a small travel trailer in the front yard. He was transported in a silver ford car, by a male, to the house where he was caught. When he arrived to the house, a group of eighteen (18) UDA's were transported further north the same day, leaving twenty-one (21) subjects inside the house including himself. The remaining 21 UDA's were moved out Sunday morning in a dodge ram with a camper. GONZALEZ claims that he was inside the vehicle but then exited the vehicle due to there being so many people in the vehicle and he could not breathe. GONZALEZ stated that the caretaker in charge of feeding them was a short chubby female with short blondish hair who would always drive a minivan. GONZALEZ stated MACEDO would feed them three times a day. GONZALEZ was shown a CBP photo lineup and positively identified Rufina MACEDO-Benitez as the caretaker of the house.

MATERIAL WITNESS

Angel SANCHEZ-Hernandez, a citizen and national of the United Mexican States was read his Miranda Rights. SANCHEZ acknowledged he understood his rights and provided a sworn statement without the presence of an attorney.

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CONTINUATION:

SANCHEZ claims he illegally entered the United States on July 24, 2016, near Hidalgo, Texas. Subject claims his cousin made all the smuggling arrangements for him in Mexico. He was going to pay a total of \$3,600. SANCHEZ stated after he was crossed into the United States, he walked towards a house in an unknown location and waited till morning. Subject stated that he was then picked up by a pickup truck and taken to a church parking lot. SANCHEZ stated that Rufina MACEDO-Benitez drove up in a silver minivan and picked him up. Before going back to the stash house where he was arrested today in Donna, Texas, MACEDO stopped to fill some water jugs with water.

SANCHEZ stated when they arrived at the stash house, MACEDO told SANCHEZ to go into the house and to take a jug of water with him. SANCHEZ stated when he entered the house, there was two other men and one woman already inside.

SANCHEZ was shown a CBP photo lineup and positively identify Rufina MACEDO-Benitez as the person that picked him up and dropped him off at the stash house.